

Senate Transportation and Safety Committee 1

Amendment No. 1 to SB0151

**Bailey
Signature of Sponsor**

AMEND Senate Bill No. 151*

House Bill No. 381

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-108, is amended by designating subsection (c) as subsection (d) and adding the following new subsection (c):

For purposes of an ADS-operated vehicle, as defined by § 55-54-102, the requirements of subsection (a) are satisfied if the certificate of registration is at all times carried in or available electronically through, the vehicle to which it refers.

SECTION 2. Tennessee Code Annotated, Section 55-8-101, is amended by deleting subdivisions (17), (42), and (46), and substituting instead the following:

(17) "Driver" means:

(A) For purposes of a conventionally operated vehicle, every person who drives or is in actual physical control of a vehicle; and

(B) For purposes of an ADS-operated vehicle and when the context requires, the ADS when the ADS is engaged;

(42) "Operator" means:

(A) For purposes of a conventionally operated vehicle, every person, other than a chauffeur, who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle; and

(B) For purposes of an ADS-operated vehicle and when the context requires, the ADS when the ADS is engaged;

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(46) "Person" means a natural person, firm, copartnership, association, corporation, or an engaged ADS;

SECTION 3. Tennessee Code Annotated, Section 55-8-101, is amended by adding the following new appropriately designated subdivisions:

() "Automated driving system" or "ADS" means technology installed on a motor vehicle that has the capability to drive the vehicle on which the technology is installed in high or full automation mode, without any supervision by a human operator, with specific driving mode performance by the automated driving system of all aspects of the dynamic driving task that can be managed by a human driver, including the ability to automatically bring the motor vehicle into a minimal risk condition in the event of a critical vehicle or system failure or other emergency event;

() "Automated-driving-system-operated vehicle" or "ADS-operated vehicle" means a vehicle equipped with an automated driving system;

() "Dynamic driving task" means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic. "Dynamic driving task" does not include strategic functions, such as route selection and scheduling;

() "Minimal risk condition" means a low-risk operating mode in which an ADS-operated vehicle when the ADS is engaged achieves a reasonably safe state upon experiencing a failure of the vehicle's ADS that renders the vehicle unable to perform the entire dynamic driving task;

SECTION 4. Tennessee Code Annotated, Section 55-8-162, is amended by adding the following new subsection:

Subsection (a) shall not apply with respect to an ADS-operated vehicle.

SECTION 5. Tennessee Code Annotated, Section 55-9-101, is amended by deleting the section and substituting instead the following:

As used in this chapter:

(1) "Autocycle," "motor vehicle," "motorcycle," "motor-driven cycle," and "motorized bicycle" have the meanings ascribed to them in § 55-8-101; and

(2) "Automated driving system," "ADS," and "ADS-operated vehicle" have the meanings ascribed to them in § 55-54-102.

SECTION 6. Tennessee Code Annotated, Section 55-9-602(a), is amended by adding the following new subdivision:

With respect to a vehicle equipped with an ADS, responsibility ascribed in this subsection (a) shall belong solely to the parent, guardian, or other human person accompanying the child in the vehicle, and not to the ADS or the owner of the ADS-operated vehicle.

SECTION 7. Tennessee Code Annotated, Section 55-9-602(g)(5), is amended by deleting the last sentence, designating the remaining language as subdivision (A), and adding the following new subdivision (B):

(B)

(i) If no parent or legal guardian is present at the time of the violation, the driver is solely responsible for compliance with this subsection (g) if the vehicle is operated by conventional means.

(ii) If the vehicle is operated by an ADS and:

(a) If no parent or legal guardian is present at the time of the violation, the human person accompanying the child is solely responsible for compliance with this subsection (g);

(b) If no parent or guardian is present at the time of the violation and more than one (1) human person accompanies the child, each person is jointly responsible for compliance with this subsection (g); or

(c) If no human person accompanies the child, the parent or legal guardian of the child is responsible for compliance with this subsection (g).

SECTION 8. Tennessee Code Annotated, Section 55-9-603(h), is amended by adding the following new subdivision:

An ADS or an ADS-operated vehicle. Except as otherwise provided by § 55-9-606(2), for purposes of an ADS-operated vehicle, a passenger or human operator required to be restrained by a safety belt pursuant to this section is solely responsible for the passenger's or human operator's compliance with such requirement;

SECTION 9. Tennessee Code Annotated, Section 55-9-606, is amended by deleting the section and substituting instead the following:

Notwithstanding this part to the contrary:

(1) Except as otherwise provided in subdivision (2), the operator of a passenger motor vehicle under this part shall not be fined for the failure of any passenger over sixteen (16) years of age to wear a safety belt; and

(2) For purposes of an ADS-operated vehicle and when the ADS is engaged, neither the operator nor the owner shall be fined for the failure of any passenger, regardless of age, to wear a safety belt.

SECTION 10. Tennessee Code Annotated, Sections 55-10-101, 55-10-102, 55-10-103, 55-10-104, and 55-10-106, are all amended by adding the following new, appropriately designated subsection to each section:

With respect to an ADS-operated vehicle, as defined by § 55-54-102, the requirements of subsection (a) are satisfied if the motor vehicle's owner, or a person on behalf of the motor vehicle's owner, promptly contacts a law enforcement officer or agency to report the accident and the ADS-operated vehicle remains on the scene of the accident as otherwise required by law.

SECTION 11. Tennessee Code Annotated, Section 55-10-105, is amended by designating the existing language as subsection (a) and adding the following new subsection:

With respect to an ADS-operated vehicle, as defined by § 55-54-102, the requirements of subsection (a) are satisfied if the motor vehicle's owner, or a person on behalf of the motor vehicle's owner, promptly contacts a law enforcement officer or agency to report the accident and the ADS-operated vehicle remains on the scene of the accident as otherwise required by law.

SECTION 12. Tennessee Code Annotated, Section 55-10-107, is amended by adding the following new subsection:

With respect to an ADS-operated vehicle, as defined by § 55-54-102, the written reports required under subsection (a) must be completed by the vehicle's owner.

SECTION 13. Tennessee Code Annotated, Section 55-12-102(10), is amended by deleting the subdivision and substituting instead the following:

(10) "Operator" means:

(A) For purposes of a conventionally operated vehicle, every person who is in actual physical control of a motor vehicle whether or not licensed as an operator or chauffeur under the laws of this state; and

(B) For purposes of an ADS-operated vehicle, as defined by § 55-54-102, and when the ADS is engaged, the ADS;

SECTION 14. Tennessee Code Annotated, Section 55-12-104, is amended by adding the following new subsection:

The owner of an ADS-operated vehicle, as defined by § 55-54-102, is solely responsible for compliance with the requirements for filing the accident report under subsection (a).

SECTION 15. Tennessee Code Annotated, Section 55-50-304, is amended by adding the following new subdivision:

An ADS or an ADS-operated vehicle, as defined by § 55-54-102, or a person operating an ADS-operated vehicle with the ADS engaged;

SECTION 16. Tennessee Code Annotated, Title 55, is amended by adding the following new chapter:

55-54-101.

This chapter shall be known and may be cited as the "Automated Vehicles Act."

55-54-102.

As used in this chapter:

(1) "Automated driving system" or "ADS" means technology installed on a motor vehicle that has the capability to drive the vehicle on which the technology is installed in high or full automation mode, without any supervision by a human operator, with specific driving mode performance by the automated driving system of all aspects of the dynamic driving task that can be managed by a human driver, including the ability to automatically bring the motor vehicle into a minimal risk condition in the event of a critical vehicle or system failure or other emergency event;

(2) "Automated-driving-system-operated vehicle" or "ADS-operated vehicle" means a vehicle equipped with an automated driving system;

(3) "Department" means the department of revenue;

(4) "Dynamic driving task" means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic. "Dynamic driving task" does not include strategic functions, such as route selection and scheduling; and

(5) "Minimal risk condition" means a low-risk operating mode in which an ADS-operated vehicle when the ADS is engaged achieves a reasonably safe state upon experiencing a failure of the vehicle's ADS that renders the vehicle unable to perform the entire dynamic driving task.

55-54-103.

An ADS-operated vehicle may drive or operate on streets and highways in this state with the ADS engaged without a human driver physically present in the vehicle if the vehicle meets the following conditions:

(1) Unless an exemption has been granted under applicable federal or state law, the vehicle is capable of being operated in compliance with applicable provisions of chapters 8, 9, and 10 of this title, and has been, at the time it was manufactured, certified by the manufacturer as being in compliance with applicable federal motor vehicle safety standards;

(2) The vehicle is capable, in the event of a failure of the automated driving system that renders that system unable to perform the entire dynamic driving task relevant to its intended operational design domain, of achieving a minimal risk condition;

(3) Is registered in accordance with chapter 4 of this title, and if registered in this state, the vehicle is identified on the registration as an ADS-operated vehicle; and

(4) Satisfies the requirements of § 55-54-105.

55-54-104.

Notwithstanding § 55-9-105, a person who is physically inside an ADS-operated vehicle, when the ADS is engaged, may use an integrated electronic display for communication, information, and other uses enabled by the display if the display is integrated with the vehicle such that it operates and functions in coordination with such autonomous technology and disables automatically any moving images visible to the motor vehicle operator when the autonomous technology is disengaged.

55-54-105.

(a) A manufacturer that owns an ADS-operated vehicle or ADS that is operated on the public roads of this state shall maintain primary automobile liability insurance that provides at least five million dollars (\$5,000,000) for death, bodily injury, and property damage.

(b) A person, other than a manufacturer, that owns an ADS-operated vehicle that is operated on the public roads of this state shall maintain primary automobile liability insurance that provides at least:

(1) Fifty thousand dollars (\$50,000) for death or bodily injury, per person;

(2) One hundred thousand dollars (\$100,000) for death or bodily injury, per incident; and

(3) Thirty thousand dollars (\$30,000) for property damage.

(c) The automobile liability insurance required pursuant to this section must satisfy the requirements of § 56-7-1201. However, an owner of an ADS-operated vehicle or ADS may satisfy the requirements of this section pursuant to § 55-12-111.

(d) For purposes of this section, "manufacturer" means any person engaged in developing, constructing, or assembling an ADS-operated vehicle or an ADS, and includes a certifying manufacturer under federal law.

55-54-106.

No political subdivision may by ordinance, resolution, or any other means prohibit or regulate within the jurisdictional boundaries of the political subdivision the use of an ADS-operated vehicle that is operating in compliance with this chapter and otherwise complies with all laws of the political subdivision.

55-54-107.

(a) Liability for accidents involving an ADS-operated vehicle shall be determined in accordance with product liability law, common law, or other applicable federal or state law. Nothing in this chapter shall be construed to affect, alter, or amend any right, obligation, or liability under applicable product liability law, common law, federal law, or state law.

(b) When the ADS is fully engaged, operated reasonably and in compliance with manufacturer instructions and warnings, the ADS shall be considered the driver or operator of the motor vehicle for purposes of determining:

(1) Liability of the vehicle owner or lessee for alleged personal injury, death, or property damage in an incident involving the ADS-operated vehicle;

and

(2) Liability for non-conformance to applicable traffic or motor vehicle laws.

55-54-108.

(a) It is an offense for any person to knowingly operate a motor vehicle on the public roads or highways of this state without a human driver in the driver's seat of the vehicle unless satisfying the requirements of this chapter.

(b) A violation of subsection (a) is a Class A misdemeanor.

55-54-109.

Except as otherwise provided in this chapter, this chapter exclusively governs the authorization of the operation and use of an ADS-operated vehicle when the ADS is engaged and in high or full automation mode, including, but not limited to, commercial use of ADS-operated vehicles. For motor vehicles operated at any other level of autonomous technology, as defined by § 55-9-105(c)(6)(B), not otherwise included in this chapter, the motor vehicle and driver shall be held to the same laws as conventionally operated motor vehicles, unless an exemption is specifically set out for a vehicle operated with any level of autonomy.

SECTION 17. No later than February 1, 2021, the commissioner of safety and the commissioner of commerce and insurance shall submit a report to the transportation and safety committee of the senate and the transportation committee of the house of representatives. The report shall make recommendations with appropriate rationale as to whether the insurance and bonding coverages and coverage amount requirements of this act should be increased, decreased, extended, or otherwise amended.

SECTION 18. This act shall take effect upon becoming a law, the public welfare requiring it.